

# **EXHIBIT A**

-----X INDEX NO.:  
DAVE SHOSTACK, PLAINTIFF,  
-AGAINST- SUMMONS WITH NOTICE

SUNRUN INC.,  
AKA. SMART HOME SOLAR AKA. VIVINT SOLAR,  
CLEAN ENERGY EXPERTS LLC., A CALIFORNIA  
LIMITED LIABILITY COMPANY DBA. SOLAR  
AMERICA

DEFENDANTS

-----X  
To the above named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the Plaintiff(s) at the address set forth below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.



DAVE SHOSTACK  
4 SUTTONWOOD DR.  
COMMACK, NY 11725  
(631) 864-2656

Dated: September 28, 2021

Defendants Addresses:

Sunrun Inc. aka. Smart Home Solar aka.  
Vivint Solar  
225 Bush St.  
Suite 1400,  
San Francisco, CA 94104

Clean Energy Experts LLC. A California Limited  
Liability Company dba. Solar America  
1601 N Sepulveda Blvd  
Suite 227  
Manhattan Beach, CA, 90266

**(Page 1 of 2)**

(between September 26, 2017-July 8, 2020)

**The relief sought:** \$34,500 (THOUSAND DOLLARS) in statutory damages plus interest, costs, disbursements and any other relief that is just and proper.

Should Defendant(s) fail to appear herein, judgment will be entered by default for the sum of \$34,500 (THIRTY FOUR THOUSAND FIVE HUNDRED DOLLARS) with interest from September 26 2020 plus costs and disbursements of this of this action.

Venue: Plaintiff(s) designate(s) New York County as the place of trial The basis of this designation is CPLR 509

**(Page 2 of 2)**

NYSCEF DOC. NO. SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY; NEW YORK, NEW YORK

RECEIVED NYSCEF: 01/14/2022

DAVE SHOSTACK,

PLAINTIFF,

X INDEX NO.:158861/2021

-AGAINST-

**AMENDED****SUMMONS WITH NOTICE**

SUNRUN INC.,  
AKA. SMART HOME SOLAR AKA. VIVINT SOLAR,  
CLEAN ENERGY EXPERTS LLC., A CALIFORNIA  
LIMITED LIABILITY COMPANY DBA. SOLAR  
AMERICA

DEFENDANTS

X

To the above named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the Plaintiff(s) at the address set forth below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: January 14, 2022



DAVE SHOSTACK  
4 SUTTONWOOD DR.  
COMMACK, NY 11725  
(631) 864-2656

Defendants Addresses:

Sunrun Inc. aka. Smart Home Solar aka.  
Vivint Solar  
225 Bush St.  
Suite 1400,  
San Francisco, CA 94104

Clean Energy Experts LLC. A California Limited  
Liability Company dba. Solar America  
1601 N Sepulveda Blvd  
Suite 227  
Manhattan Beach, CA, 90266

(Page 1 of 2)

**The relief sought:** \$34,500 (THIRTY FOUR THOUSAND FIVE HUNDRED DOLLARS) in statutory damages plus interest, costs, disbursements and any other relief that is just and proper.

Should Defendant(s) fail to appear herein, judgment will be entered by default for the sum of \$34,500 (THIRTY FOUR THOUSAND FIVE HUNDRED DOLLARS) with interest from September 26 2017 plus costs and disbursements of this of this action.

Venue: Plaintiff(s) designate(s) New York County as the place of trial The basis of this designation is CPLR 509

**(Page 2 of 2)**

NYSCEF ATTORNEY(S) NO. 3

Index # : 158861/2021

PURCHASED/FILED : January 14, 2022

STATE OF : New York

COURT : Supreme

COUNTY/DISTRICT : New York

## AFFIDAVIT OF SERVICE

DAVE SHOSTACK

vs

SUNRUN, INC. A/K/A SUNRUN INC., A/K/A SMART HOME SOLAR A/K/A VIVINT SOLAR, ET AL.

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK COUNTY OF ALBANY

YVONNE STRAIN, being duly sworn deposes and says deponent is not a party herein, is over the age of eighteen years and resides in the State of New York. That on **JANUARY 18, 2022** at **2:38 PM** at **c/o CSC, 80 STATE ST., ALBANY, NY 12207** (Address where service was accomplished.) deponent did serve the following :

## AMENDED SUMMONS WITH NOTICE, CONFIRMATION NOTICE

on: **CLEAN ENERGY EXPERTS LLC A CALIFORNIA LIMITED LIABILITY COMPANY D/B/A SOLAR AMERICA**

Defendant (herein called recipient) therein named. , SS.:

INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.CORP.  A corporation, by delivering thereat a true copy of each to **KATHY KRIEGER - JEWELL** personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be **AUTHORIZED AGENT** thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

SUITABLE  By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion PERSON who agreed to accept on behalf of the party. Said premises is recipient's: [ ] dwelling house (usual place of abode). [ ] actual place of businessAFFIXING  TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.MAILING  COPY On \_\_\_\_\_ deponent completed service under the last two sections by depositing a copy of the above listed documents to the above address in a First Class postpaid properly addressed plain envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

The outside of the envelope did not include a return address or indicate that the communication was from an attorney. Deponent called at the aforementioned address on the following dates and times:

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

DESCRIPTION  A description of the person served is as follows:  
 (use with #1, 2 or 3) Sex FEMALE Color of skin WHITE Hair GRAY Approx.Age 51 - 65 Yrs. Approx.Height 5' 0" - 5' 3"  
 Approx. weight 100 - 130 Lbs. Other \_\_\_\_\_

WIT. FEES  \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.NON MIL  To the best of my knowledge and belief, said person was not presently in military service of the United States Government or on active duty in the military service in the State of New York at the time of service.

Sworn to before me on this

18th day of January, 2022


NOTARY PUBLIC

ROBERT GUYETTE  
 Notary Public State of New York  
 01GU6382699 RENSSELAER COUNTY  
 Commission Expires OCTOBER 29, 2022



YVONNE STRAIN

Invoice Work Order # 2201719  
 Attorney File # Shostack v. Sunrun

Index #: 158861/2021

PURCHASED/FILED : January 14, 2022

STATE OF : New York

COURT : Supreme

COUNTY/DISTRICT : New York

## AFFIDAVIT OF SERVICE

DAVE SHOSTACK

Plaintiff(s)/Petitioner(s)

VS

SUNRUN, INC. A/K/A SUNRUN INC., A/K/A SMART HOME SOLAR A/K/A VIVINT SOLAR, ETAL

Defendant(s)/Respondent(s)

STATE OF NEW YORK COUNTY OF ALBANY

**YVONNE STRAIN**, being duly sworn deposes and says deponent is not a party herein, is over the age of eighteen years and resides in the State of New York. That on **JANUARY 18, 2022** at **2:38 PM** at **c/o CSC, 80 STATE ST., ALBANY, NY 12207** (Address where service was accomplished.) deponent did serve the following :

## AMENDED SUMMONS WITH NOTICE, CONFIRMATION NOTICE

on: **SUNRUN, INC. A/K/A SUNRUN INC., A/K/A SMART HOME SOLAR A/K/A VIVINT SOLAR**

Defendant (herein called recipient) therein named. , SS.:

INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.CORP.  A corporation, by delivering thereat a true copy of each to **KATHY KRIEGER - JEWELL** personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be **AUTHORIZED AGENT** thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

SUITABLE  By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion PERSON who agreed to accept on behalf of the party. Said premises is recipient's: [ ] dwelling house (usual place of abode). [ ] actual place of businessAFFIXING  By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.MAILING  On \_\_\_\_\_ deponent completed service under the last two sections by depositing a copy of the COPY above listed documents to the above address in a First Class postpaid properly addressed plain envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

The outside of the envelope did not include a return address or indicate that the communication was from an attorney. Deponent called at the aforementioned address on the following dates and times:

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

DESCRIPTION  A description of the person served is as follows:  
 (use with #1, 2 or 3) Sex **FEMALE** Color of skin **WHITE** Hair **GRAY** Approx.Age **51 - 65 YRS.** Approx.Height **5' 0" - 5' 3"**  
 Approx. weight **100 - 130 Lbs.** Other \_\_\_\_\_WIT. FEES  \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.NON MIL  To the best of my knowledge and belief, said person was not presently in military service of the United States Government or on active duty in the military service in the State of New York at the time of service.

Sworn to before me on this

18th day of **January, 2022**

NOTARY PUBLIC

ROBERT GUYETTE

Notary Public State of New York  
01GU6382699 RENSSELAER COUNTY  
Commission Expires OCTOBER 29, 2022

Yvonne Strain

YVONNE STRAIN

Invoice-Work Order # 2201717  
Attorney File # Shostack v. Sunrun

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY; NEW YORK, NEW YORK-----X INDEX NO.: 158861/2021  
DAVE SHOSTACK,

PLAINTIFF,

**NOTICE OF APPEARANCE  
AND DEMAND FOR  
SERVICE OF THE  
COMPLAINT**

-AGAINST-

SUNRUN INC.,  
AKA. SMART HOME SOLAR AKA. VIVINT SOLAR,  
CLEAN ENERGY EXPERTS LLC., A CALIFORNIA  
LIMITED LIABILITY COMPANY DBA. SOLAR  
AMERICA

DEFENDANTS

-----X

PLEASE TAKE NOTICE THAT, the defendants Sunrun Inc. and Clean Energy Experts LLC (together “Defendants”) through their attorneys Kelley Drye & Warren LLP, hereby appear in this action and demand that you serve a copy of the complaint upon Defendants’ counsel at the address provided below within twenty days hereof pursuant to CPLR § 3012. Failure to serve said complaint within twenty days will subject this action to dismissal.

Dated: February 10, 2022

KELLEY DRYE &amp; WARREN LLP

By: /s/ Glenn T. Graham  
Glenn T. Graham  
3 World Trade Center  
175 Greenwich Street  
New York, New York 10007  
Tel: (212) 808-7800  
Fax: (212) 808-7897  
ggraham@kellydrye.com

Attorney for Defendants